

**Carlisle Conservation Commission**  
**April 11, 2013**

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:35 p.m. Also present were Vice Chair Luke Ascolillo and Commissioners Tom Brown, Peter Burn, Jen Bush and Lee Tatistcheff. Conservation Administrator Sylvia Willard was also present. Commissioner Tom Brownrigg was not present.

**Proposed Revisions to Mass DEP's Wetlands, Waterways, and Water Quality Certification**

**Regulations:** Town Counsel Dan Deutsch of Deutsch/Williams was present at the Commission's request to address questions and concerns relative to the DEP's proposed wetlands regulatory revisions. Deutsch explained that the revisions are being proposed in response to a mandate from the Governor's office in attempts to streamline the application process to minimize limited staff resources expended on the review process. The changes are also intended to facilitate development in the commonwealth by making the permitting process more predictable and more inviting to developers. His perception is that the changes seem to shift the focus from the permitting process to the appeals process. Deutsch encouraged the Commission to submit any comments/recommendations they may have to the DEP prior to the May 10 deadline. He believes the DEP will likely be amenable to input received from conservation commissions.

Subsequent to her review of the proposed changes to the regulations, Willard had forwarded to Attorney Deutsch a list of topics for tonight's discussion including the following: 1) what, if any, changes should be made to Carlisle's existing wetlands bylaw to be consistent with the proposed regulations if they are promulgated; 2) clarification on the changes to Exempt Minor Activities relative to conditions when the boundaries of a resource area are marked and when/if they must be identified by a qualified wetlands consultant and subject to the Commission's acceptance; 3) clarification on regulatory changes to dam maintenance and dam removal, particularly within rare species habitat; 4) guidelines for when DPW filings are required for road work/maintenance; culvert replacement relative to stream crossing standards requirements; 5) explanation of differences in General Orders of Conditions relative to the existing Orders of Conditions and whether the Commission can amend General OOC's; 6) review of proposed procedures under development of potential new renewable energy technologies and other innovative technologies; 7) explanation of procedures to the regulations on Ecological Restoration/requirements of a NOI which proposes to undertake an ecological restoration.

Attorney Deutsch briefly addressed the commission's questions and concerns to the extent possible given time constraints and the density and complexity of the document. Particular attention was allowed for exploring changes to Buffer Zone Minor Activity Exemptions, including wetland resource boundary delineations requirements and dam removal/ecological restoration projects.

Guarino asked Attorney Deutsch if there were issues outside of those identified by Willard that the Commission should be aware of. Deutsch encouraged the Commission to give particular consideration to the provisions of the General Permit because, although it does relieve the commission of some of the burden in evaluating proposals, it also deprives them from some of the discretion provided under the existing regulations in evaluating a project and fashioning appropriate Orders of Conditions.

Burn asked Mosquito reporter and MACC (Massachusetts Association of Conservation Commissioners) Board Member Sally Zielinski if she was aware of any consideration of or general comments on the proposed regulatory changes put forth by MACC. Zielinski said that comments will be forthcoming, although she did not have the details at this time. She also said that Pat Garner and several other MACC board members were involved in the draft process for the proposed regulations.

With no further questions from the Commission, Guarino thanked Attorney Deutsch for his input. Deutsch said he would be following up with Willard after she and the Commission have had an opportunity to conduct a more thorough review of proposed changes. He would also be consulting with the Commission's department attorney at Deutsch and Williams.

**8:25 p.m. (DEP #125-0936) Notice of Intent**

**Applicant: Town of Carlisle, Gleason Public Library**

**Location: 22 Bedford Road**

**Project description: Repair of an existing sewage disposal system**

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Joseph March of Stamski and McNary presented the Plan for the replacement of the existing septic tank and pump chamber. He stated that an Emergency Certificate had been issued in March, 2012 to allow work associated with a blocked pipe caused by root intrusion within the septic system, resulting in a backup into the library. The proposed Plan provides for a long-term solution as follows: the proposed septic tank and pump chamber are to be located at 22 Bedford Road and a new line is proposed to connect to the existing distribution box on the adjacent, town-owned parcel. In order to place the new sewer line and remove the existing sewer lines, approximately 170 s.f. of wetland will be temporarily altered. March said they had considered another route for the sewer line but determined the existing route would require less tree removal and less wetland disturbance. March said the leaching area, constructed in 1974, has been evaluated and found to be in excellent condition.

The BVW was delineated by B & C Associates on May 11, 2012. The proposed siltation controls will prevent indirect alteration of wetlands during construction. March said they plan to strip out the organic material for the sewer line replacement which will be stockpiled during construction and re-distributed over the area when this portion of the project is completed. A dewatering still is included in the proposed plan in order to pump out the trench during construction.

Bush asked about the estimated timeline for wetland disturbance. Marsh said the entire project should be completed within one to two weeks, with the wetland disturbance estimated at a couple of days. Bush asked whether they will be required to close the library during construction. Library Director Katie Huffman, who was present for the hearing, said she is working with the library trustees to determine whether they will close. Marsh said it is likely they will have to close for at least a day or two.

Willard reported that she had observed several species of invasive plants during a recent site visit to the project site including barberry, euonymus, and multi flora rose among others. She recommended that a Continuing Condition be included in the Order to Conditions allowing for removal of invasive plants. Also during the site visit, Willard said she had observed yard waste/leaf matter that had been stockpiled within the BVW. Huffman said she was not sure exactly where the library property line is located, but it was her understanding that library property runs to the stone wall. Willard said she had observed the stockpile of material immediately on back side of stone wall.

Marsh said that although it is all town owned land, the stone wall demarcates the library property boundary. Willard said she had also noted a buildup of leaf litter in the detention basin located on the corner adjacent to the neighboring property and asked whether there is an Operations & Maintenance Plan for this stormwater management feature. Marsh said it is likely that a maintenance plan was created when the library addition project was done in 2000.

Ken Bedrosian of 44 Bedford Road said that, although he was in support of the proposed project, he was concerned because the detention basin and stormwater management features have not been maintained on a regular basis. As a result his property receives all of the water from the library roof and driveway. Marsh said he would be reviewing the implementation of the existing Operations & Maintenance Plan with Huffman in order to address these issues and concerns.

*The hearing was continued to May 9, 2013 at 8:00 p.m. with the approval of the applicant pending a review of the Plan by the Board of Health.*

**COC: (DEP #125-257) Mr. & Mrs. Lester Streeter, 55 Lowell Street; Project: Installation of a septic system; Issued: June, 1988:** Based on Willard's recommendation that the project had been completed substantially in compliance with the Plan of Record, *Burn moved to issue a Certificate of Compliance for DEP #125-257, Tatistcheff seconded and all voted in favor.*

**Towle Field Maintenance:** An open forum has been scheduled for the Commission's May 9, 2013 meeting to discuss Towle Field maintenance options.

**Benfield Construction Sequencing Activities:** Willard said she has been receiving weekly email updates on construction activities occurring at the Benfield Farms Affordable Housing project site. The Commission requested that she provide periodic updates at the meetings unless something comes up that requires their immediate attention.

**Elliott Conservation Restriction #65:** Willard reported that the town has received the amended appraisal for the property and there has been no change in value. The proposed CR document will be reviewed by CRAC at their next meeting, at which time they will make their recommendations relative to approval.

**Conservation Property names:** During the process of updating the Open Space & Recreation Plan, it was noted by the committee that the Open Space parcels acquired by the Conservation Commission through the Conservation Cluster Bylaw had the suffix "open space parcel" instead of the standard "conservation land" suffix used for all other conservation parcels in Carlisle. Willard distributed a list based on recommendations from LSC and the Trails Committee proposing to replace "open space parcel" with "conservation land" for the following properties: 1 Hart Farm, 2 Greystone Crossing, 3 Buttrick Woods, 4 Rockstrom, 5 Great Brook Estates, 6 Ice Pond, 7 Chestnut Estates ( or Rangeway). *Tatistcheff moved to accept the recommended renaming for Parcels 1-6, and selecting Rangeway Conservation Land for Parcel #7, Burn seconded. Bush raised the issue that there may be some confusion with Great Brook Conservation Land vs. Great Brook State Park. She then moved to amend the motion on the table remove Great Brook Open Space Parcel from the list of approved items in order to give it further consideration, Burn seconded and all voted in favor of the amended motion, with the exception of Guarino, who opposed. With no further discussion, all voted in favor of the original motion.*

**Enforcement Order: (DEP #125-0893) Lots 1, 4 and 5 Elliott Land:**

Willard reported having conducted a site visit after being informed of potential unpermitted clearing at the Elliott Farms Way project site. Upon her inspection, she found that the owner of the property had undertaken land clearing including tree and shrub removal within possible Riverfront Area and within the Buffer Zone of a BVW, in violation of the terms of the Orders of Conditions for DEP #125-0893.

Willard said she had issued a stop work order after confirming the extent and nature of the activity. She then met with the property owner and has also spoken with George Dimakarakos of Stamski and McNary relative to remediation requirements. At that time she was informed that they are in the process of preparing the appropriate filings. Willard presented a draft Enforcement Order, which the Commission discussed and finalized with the following requirements: cease and desist any activity affecting the Buffer Zone and/or resource areas; a restoration plan shall be filed with the issuing authority on or before 5/23/13; restoration to the Riverfront Area on Lots 1, 4 and 5 and work within the 100-foot BZ of a BVW on Lot 5 are all beyond the scope of the permit for DEP #125-0893. *Burn moved to issue an Enforcement Order per discussion, Ascolillo seconded and all voted in favor.* The applicant and his representative will be asked to appear at the Commission's April 25, 2013 meeting to discuss progress moving forward.

The Planning Board had informed the Commission via memo that the property owner has not followed process with the Planning Board regarding potential violations to the conditions of the Special Permit under which the common driveway was approved by the Planning Board in 2011, including: #11 prohibits any site clearing or construction until after a Construction Management Plan has been submitted and approved by the Planning Board; #12 requires that a National Pollution Discharge Elimination System (NPDES) Permit and a Stormwater Pollution Prevention Plan (SWPPP) be submitted to both the Planning Board and the Conservation Commission (not yet submitted to ConsCom) ; the SWPPP indicates that EPA certification for a Construction General Permit NOI has not been completed.

**Open Space and Recreation Plan:** Willard reported that the draft OS & R Plan has been posted on the town web site for public review and comments.

*9:45 p.m. Burn moved to adjourn, Tatistcheff seconded and all voted in favor.*

Respectfully submitted,  
Mary Hopkins  
Administrative Assistant